

Union Calendar No. 372

108TH CONGRESS
2D SESSION

H. R. 4170

[Report No. 108-613]

To authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2004

Mr. POMBO (by request) introduced the following bill; which was referred to the Committee on Resources

JULY 19, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 20, 2004]

A BILL

To authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Department of the Inte-*
3 *rior Volunteer Recruitment Act of 2004”.*

4 **SEC. 2. PURPOSE.**

5 *The purpose of this Act is to authorize the Secretary*
6 *of the Interior to recruit and use volunteers to assist with,*
7 *or facilitate, the programs of the Bureau of Indian Affairs,*
8 *the United States Geological Survey, the Bureau of Rec-*
9 *lamation, and the Office of the Secretary.*

10 **SEC. 3. VOLUNTEER AUTHORITY.**

11 *(a) IN GENERAL.—The Secretary of the Interior may*
12 *recruit, train, and accept, without regard to the civil service*
13 *classification laws, rules, or regulations, the services of indi-*
14 *viduals, contributed without compensation as volunteers,*
15 *for aiding in or facilitating the activities administered by*
16 *the Secretary through the Bureau of Indian Affairs, the*
17 *United States Geological Survey, the Bureau of Reclama-*
18 *tion, and the Office of the Secretary.*

19 **(b) RESTRICTIONS ON ACTIVITIES OF VOLUNTEERS.—**

20 *(1) IN GENERAL.—In accepting such services of*
21 *individuals as volunteers, the Secretary shall not per-*
22 *mit the use of volunteers in law enforcement work, in*
23 *regulatory and enforcement work, in policymaking*
24 *processes, or to displace any employee.*

25 *(2) PRIVATE PROPERTY.—No volunteer services*
26 *authorized by this Act may be conducted on private*

1 *property unless the officer or employee charged with*
2 *supervising the volunteer obtains appropriate consent*
3 *to enter the property from the property owner.*

4 (3) *HAZARDOUS DUTY.*—*The Secretary may ac-*
5 *cept the services of individuals in hazardous duty*
6 *only upon a determination by the Secretary that such*
7 *individuals are skilled in performing hazardous duty*
8 *activities.*

9 (4) *SUPERVISION.*—*The Secretary shall ensure*
10 *that an appropriate officer or employee of the United*
11 *States provides adequate and appropriate supervision*
12 *of each volunteer whose services the Secretary accepts.*

13 (c) *PROVISION OF SERVICES AND COSTS.*—*The Sec-*
14 *retary may provide for services and costs incidental to the*
15 *utilization of volunteers, including transportation, supplies,*
16 *uniforms, lodging, subsistence (without regard to place of*
17 *residence), recruiting, training, supervision, and awards*
18 *and recognition (including nominal cash awards).*

19 (d) *FEDERAL EMPLOYMENT STATUS OF VOLUN-*
20 *TEERS.*—

21 (1) *Except as otherwise provided in this sub-*
22 *section, a volunteer shall not be deemed a Federal em-*
23 *ployee and shall not be subject to the provisions of*
24 *law relating to Federal employment, including those*
25 *provisions relating to hours of work, rates of com-*

1 *pensation, leave, unemployment compensation, and*
2 *Federal employee benefits.*

3 *(2) Volunteers shall be deemed employees of the*
4 *United States for the purposes of—*

5 *(A) the tort claims provisions of title 28,*
6 *United States Code;*

7 *(B) subchapter I of chapter 81 of title 5,*
8 *United States Code; and*

9 *(C) claims relating to damage to, or loss of,*
10 *personal property of a volunteer incident to vol-*
11 *unteer service, in which case the provisions of*
12 *section 3721 of title 31, United States Code, shall*
13 *apply.*

14 *(3) Volunteers under this Act shall be subject to*
15 *chapter 11 of title 18, United States Code, unless the*
16 *Secretary, with the concurrence of the Director of the*
17 *Office of Government Ethics, determines in writing*
18 *published in the Federal Register that the provisions*
19 *of that chapter, except section 201, shall not apply to*
20 *the actions of a class or classes of volunteers who*
21 *carry out only those duties or functions specified in*
22 *the determination.*

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